

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

OPEN SOCIETY JUSTICE INITIATIVE,
Plaintiff,

v.

OFFICE OF THE DIRECTOR OF NATIONAL
INTELLIGENCE,
Defendant.

20 Civ. 06625 (PAE)

**STIPULATION AND ORDER
OF DISMISSAL**

WHEREAS, on or about August 19, 2020, plaintiff Open Society Justice Initiative (“Plaintiff”) filed this suit pursuant to the Freedom of Information Act, 5 U.S.C. § 552 (“FOIA”), seeking the release of certain records by defendant Office of the Director of National Intelligence (“ODNI”), in connection with a FOIA request for the same records dated July 20, 2020 (the “FOIA Request”);

WHEREAS ODNI responded to the FOIA Request on October 9, 2020 by producing 26 pages of responsive, non-exempt records with redactions, and withholding in full a National Intelligence Council memorandum dated February 7, 2020 (the “NICM”);

WHEREAS ODNI filed a motion for summary judgment on November 9, 2020, regarding the withholding in full of the NICM;

WHEREAS Plaintiff filed a cross-motion for summary judgment on January 13, 2021, and opposed ODNI’s motion;

WHEREAS, consistent with a commitment made in her confirmation hearing, in February 2021, the Director of National Intelligence declassified and publicly released a report entitled *Assessing the Saudi Government’s Role in the Killing of Jamal Khashoggi* (the “2021 Assessment”);

WHEREAS, following the public release of the 2021 Assessment, ODNI conducted a supplemental review of the NICM to determine whether it contained any information that had been declassified and released in the 2021 Assessment, and on March 19, 2021, voluntarily released to Plaintiff a redacted version of the NICM, portions of which are withheld pursuant to 5 U.S.C. § 552(b)(1) and (3);

WHEREAS ODNI withdrew its initial motion for summary judgment and filed a new motion for summary judgment on May 10, 2021, regarding the information withheld from the redacted NICM produced on March 19, 2021;

WHEREAS Plaintiff, having reviewed ODNI's summary judgment motion and accompanying papers, has determined that it will not challenge ODNI's remaining withholdings from the NICM;

IT IS HEREBY STIPULATED AND AGREED, by and between the parties, as follows:

1. ODNI's October 9, 2020 and March 19, 2021 productions fully resolve any and all claims that Plaintiff now has or may hereinafter acquire against ODNI or the United States of America (the "United States"), or any department, agency, officer, or employee of Defendant and/or the United States, related to or arising out of the FOIA Request.
2. This action is hereby dismissed with prejudice pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, with each party to bear its own fees and costs.
3. The parties understand and agree that this Stipulation and Order contains the entire agreement between them, and that no statements, representations, promises, agreements, or negotiations, oral or otherwise, between the parties or their counsel that are

not included herein shall be of any force or effect.

Dated: New York, NY
June 7, 2021

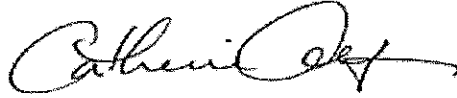
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OPEN SOCIETY JUSTICE INITIATIVE

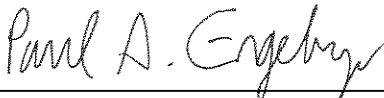


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Counsel for Plaintiff

Granted. SO ORDERED:



HONORABLE PAUL A. ENGELMAYER
UNITED STATES DISTRICT JUDGE
6/7/2021